



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (360) 750-9046
Attn: Steve Gagnon, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: 2 March 2009
Expiration Date: 1 April 2009

Reference No.: NWS-2007-1582
Name: Principal Properties, LLC

ROUTINE SECTION 404

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws.

APPLICANT:

Principal Properties, LLC
PO Box 87335
Vancouver, Washington 98687-7335
ATTN: T.J. Fontenette

AGENT:

Berger/Abam Engineers
1111 Main Street, Suite 300
Vancouver, Washington 98660
ATTN: Brian Bieger

LOCATION: In headwaters wetlands near Mill Creek, on the west side of SR 503, approximately 0.32 miles north of NE 199th Street in Battle Ground, Clark County, Washington.

WORK: Fill approximately 4.5 acres of wetlands to construct a retail shopping center with one large anchor tenant and several smaller supporting retailers.

PURPOSE: Provide retail shopping opportunities for greater Battle Ground.

MITIGATION: Proposed mitigation for this project would take place both onsite and offsite. Onsite mitigation would enhance 4.49 acres of category III wetlands with moderate habitat function and 1.36 acres of buffer between those wetlands and the development. The application indicates the buffer would average 116 feet along the preserved wetland. Wetland fill from the development would also eliminate upland buffers along a portion of the preserved wetland, causing approximately 1.5 acres of indirect impacts. These impacts are also proposed to be mitigated through the onsite wetland enhancement.

Offsite mitigation would be a combination of wetland creation and enhancement approximately three miles to the east along Salmon Creek. The applicant is proposing to create 4.02 acres of wetlands and enhance 3 acres of existing wetlands.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Due to the project area's position in the landscape (i.e. adjacent to a river), there is the potential for unknown historic properties to occur in the project area. An historic properties investigation may be required during the permit review. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

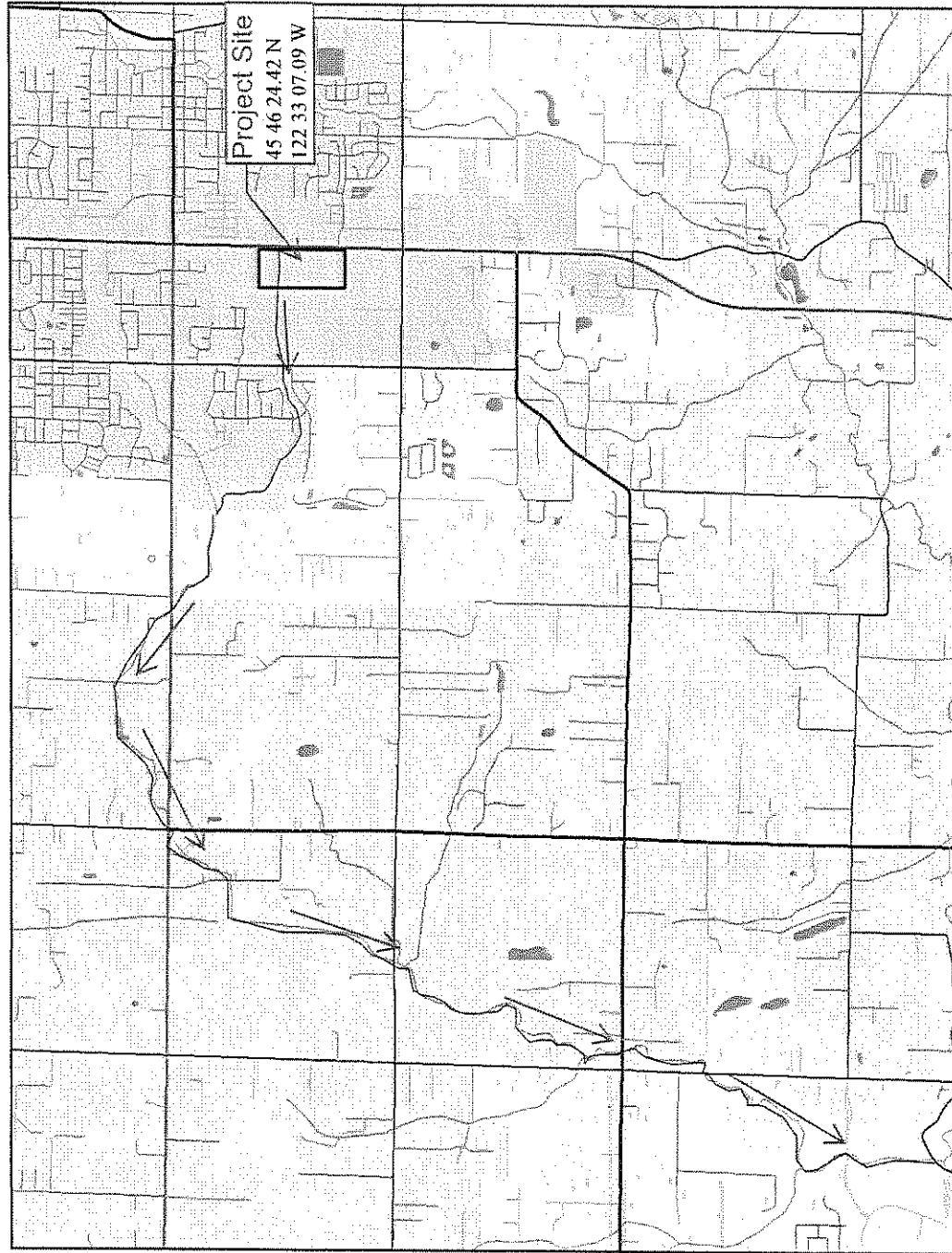
Corps comments: All e-mail comments should be sent to steven.k.gagnon@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Steve Gagnon, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Principle Properties, LLC; NWS-2007-1582

Encl: Figures (5)

MapsOnline: Clark County's Digital Atlas



0 4500 9000 13500 ft
Project Location: Lat 45 46 24.42N Long 122 33 7.09W
Map center: 45° 45' 37" N, 122° 34' 52" W

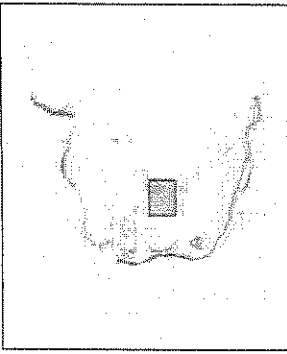
Information shown on this map was collected from several sources. Neither Clark County, Washington, nor the producer of this document accept responsibility for any inaccuracies that may be present.

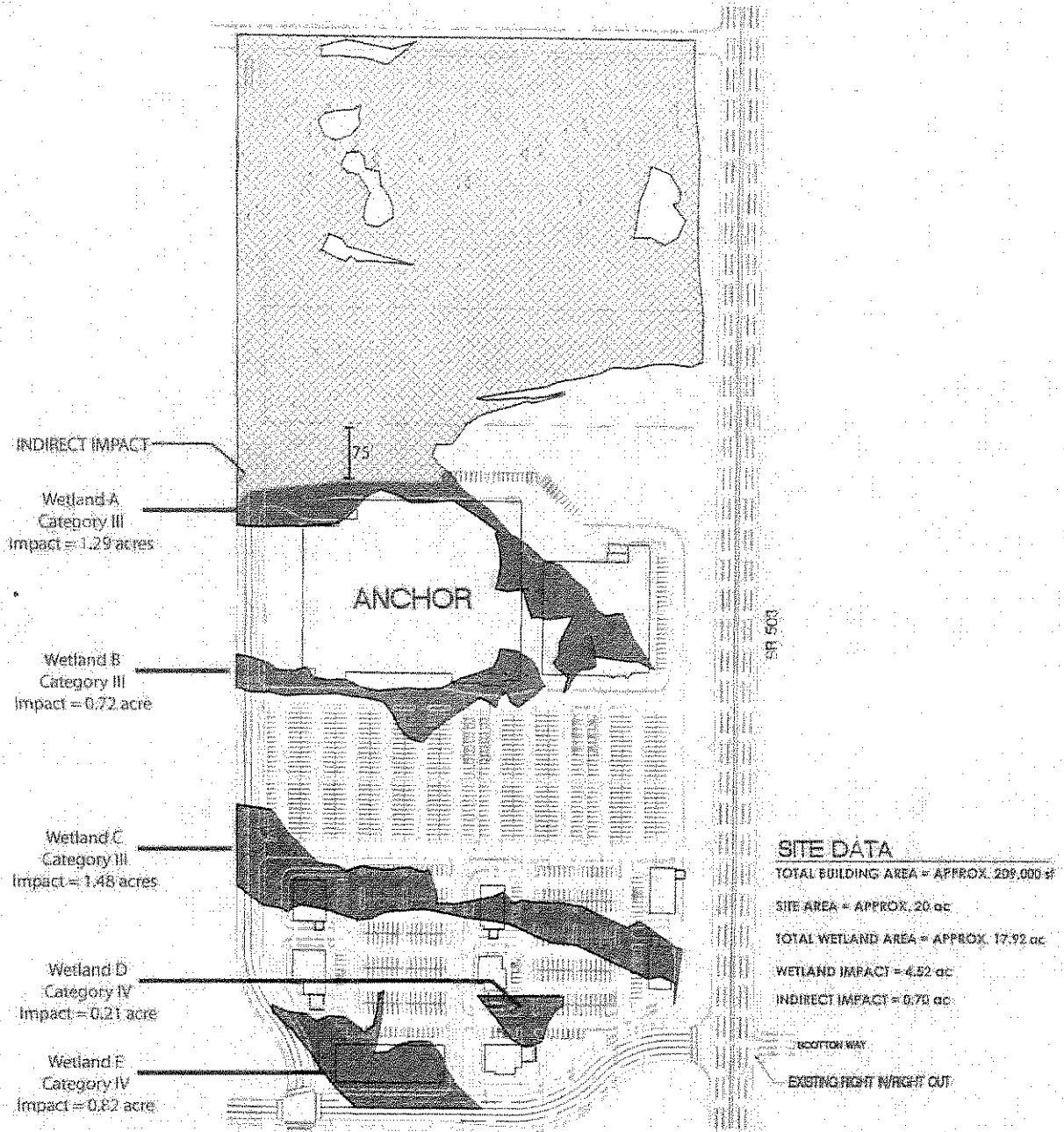
Legend

- Roads
- Alley
- Arterial
- DNR
- DNR (Private Land)
- Driveway
- Interstate
- Interstate Ramp
- Primary Arterial
- Private Roads
- Private Roads w/o Names
- Public Roads
- SR Ramp
- State Route
- Stream Channels
- Waterbodies
- City Boundaries
- Urban Growth Boundaries
- County Boundary
- County Boundary



Scale: 1:46,955





SOURCE: Cascadia Ecological Services, 2007

LEGEND:

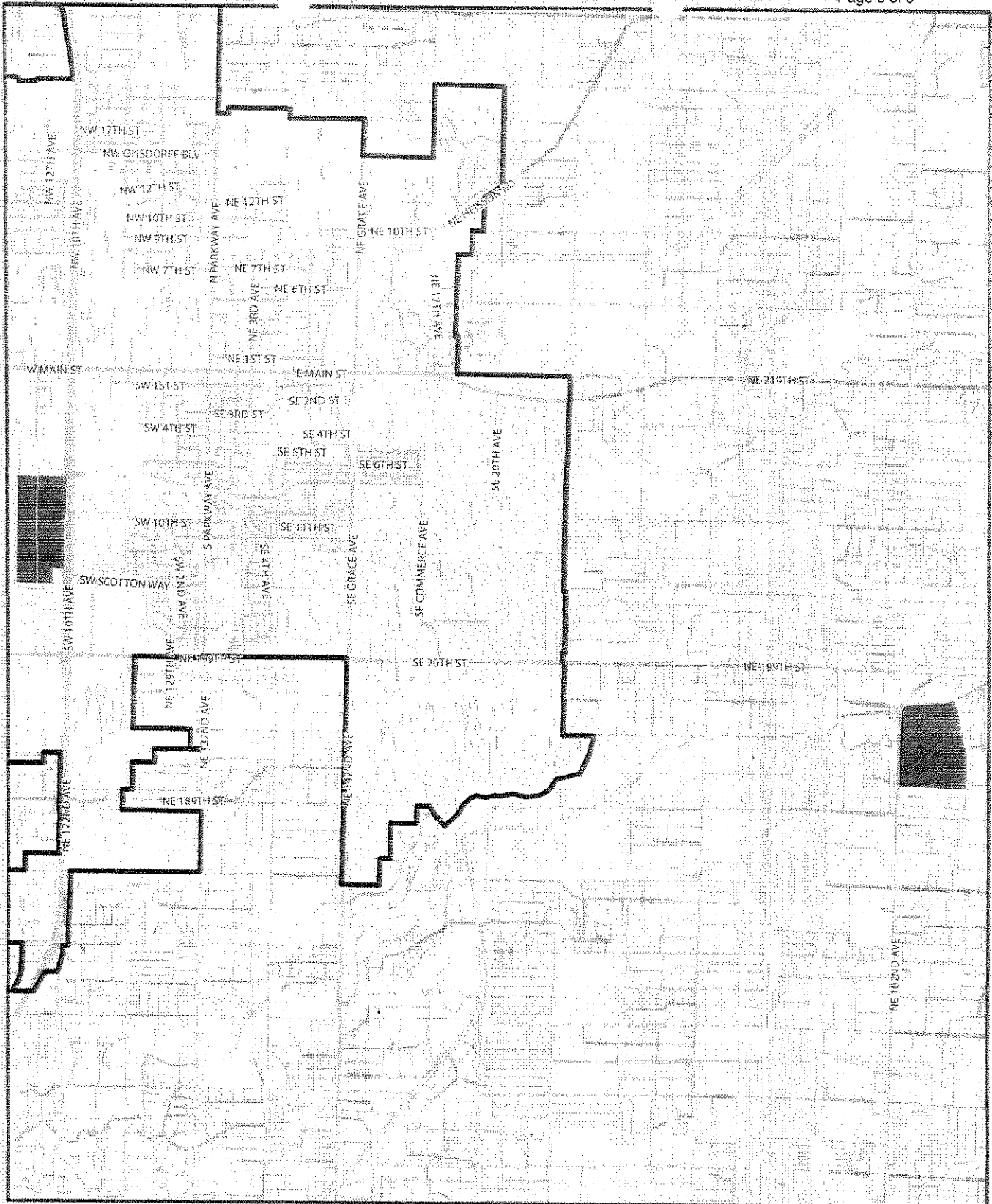
- Delineated Wetlands
(Per Report from Cascadia Ecological Services, Inc., June 25, 2007)
- Impacted Wetlands
- Indirect Wetland Impact

FIGURE 5
Project Design
Principal Properties



0 150 300 Feet

Date: 11/05/08



SOURCE: Clark County GIS; JD White, 2008

FIGURE 5
Mitigation Site Overview
Principal Properties Conceptual Mitigation Plan

LEGEND:

-  Proposed Project Area
-  City of Battle Ground
-  Proposed Mitigation Site



0 1,250 2,500 Feet




Date: Monday, October 06, 2008

Date: 8/19/2008



SOURCE:

LEGEND:

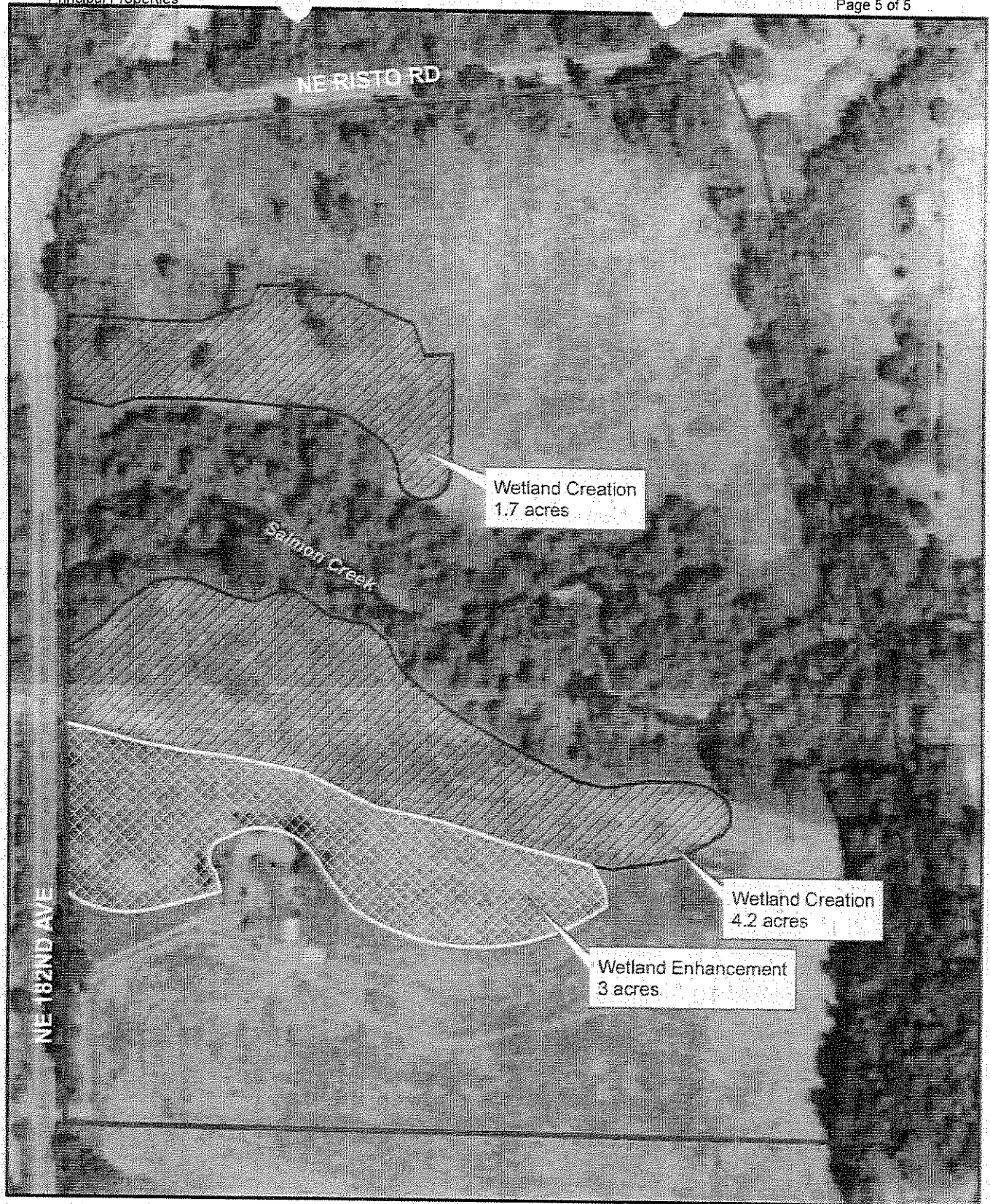
-  Project Area
-  Wetland Enhancement
-  Buffer Enhancement

Project Pathway

FIGURE 6
On-Site Mitigation
Principal Properties Conceptual Mitigation Plan



0 150 300 Feet



LEGEND:



Mitigation Site

Wetland Creation Area

Wetland Enhancement Area

FIGURE 7
Off-Site Mitigation
Principal Properties Conceptual Mitigation Plan



0 100 200 Feet

